

[ORAL ARGUMENT NOT YET SCHEDULED]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ELECTRONIC PRIVACY )  
INFORMATION CENTER, ET AL., )  
Petitioners, )  
v. ) No. 10-1157  
JANET NAPOLITANO, in her official )  
capacity as Secretary of the U.S. )  
Department of Homeland Security, )  
ET AL., )  
Respondents. )  
\_\_\_\_\_  
)

MOTION FOR EXTENSION OF TIME TO FILE CERTIFIED INDEX

Respondents Janet Napolitano, in her official capacity as Secretary of the U.S. Department of Homeland Security, et al., hereby move for an extension of ten (10) days, to and including October 4, 2010 (the actual tenth day, October 2, being a Saturday), to file the certified index to the record in the above-captioned case. In support of this motion, respondents state the following:

1. The certified index is currently due on September 22, 2010, no previous extension of this time having been sought or granted.

2. Although they have been working diligently on this task, respondents are still in the process of compiling all of the documents that constitute the administrative record. Accordingly, they are not yet able to file the certified index to the record.

3. John S. Koppel, lead counsel for respondents in this case, presented oral argument for the government in this Court on Friday, September 17, 2010, in George Lardner v. U.S. Department of Justice, No. 09-5337 (D.C. Cir.). Because Mr. Koppel was busy with the preparation and presentation of the Lardner argument, he was unable to devote his undivided attention to the compilation of the administrative record in the instant case until after the conclusion of the argument.

4. Petitioners' opening brief and the appendix are not due until November 1, 2010. Accordingly, the requested extension should cause no delay in these proceedings.

For the foregoing reasons, the time to file the certified index to the record should be extended ten (10) days, to and including October 4, 2010 (October 2, 2010, being a Saturday).

Respectfully submitted,

/s/ Douglas Letter  
DOUGLAS LETTER  
(202) 514-3602  
Douglas.Letter@usdoj.gov

/s/ John S. Koppel  
JOHN S. KOPPEL  
(202) 514-2495  
John.Koppel@usdoj.gov  
Attorneys, Appellate Staff  
Civil Division, Rm. 7264  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ELECTRONIC PRIVACY )  
INFORMATION CENTER, ET AL., )  
Petitioners, )  
v. ) No. 10-1157  
JANET NAPOLITANO, in her official )  
capacity as Secretary of the U.S. )  
Department of Homeland Security, )  
ET AL., )  
Respondents. )  
\_\_\_\_\_  
)

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 2010, I caused the foregoing Motion for Extension of Time to File Certified Index to be filed electronically with the Court via the Court's CM/ECF system, and also caused four copies to be delivered to the Clerk of the Court by hand delivery within two business days. Service will be made automatically upon the following CM/ECF participants:

Mark Rotenberg, Esquire  
John Verdi, Esquire  
ELECTRONIC PRIVACY INFORMATION CENTER  
1718 Connecticut Avenue, NW  
Suite 200  
Washington , DC 20009

/s/ John S. Koppel  
JOHN S. KOPPEL